

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

JAN 23 2009

JOHN F. CORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

United States of America

v.

Johnny L. Venable, III.

) AMENDED

)

) Case No: 4:05cr00006-001

) USM No: 11348-084

Date of Previous Judgment: 03/25/2008

(Use Date of Last Amended Judgment if Applicable)

) Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 104 months is reduced to 96 months*.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 23

Amended Offense Level: 21

Criminal History Category: V

Criminal History Category: V

Previous Guideline Range: 84 to 105 months

Amended Guideline Range: 70 to 87 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☐ The reduced sentence is within the amended guideline range.

☒ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain):

III. ADDITIONAL COMMENTS

Defendant's total term of imprisonment of 96 months consists of 36 months as to each of counts 1s, 2s, 5s, 7s, 8s, 9s, 10s, 11s, and 12s, to run concurrently with each other; and 60 months as to count 6s, to run consecutively to all other counts.

Except as provided above, all provisions of the judgment dated 03/25/2008 shall remain in effect.

IT IS SO ORDERED.

Order Date:

1/23/09

Effective Date:

1/23/09
(if different from order date)

[Signature]
Judge's signature

Jackson L. Kiser, Senior U.S. District Judge

Printed name and title